

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ANGELA SIMMONS,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 2:06-cv-689-DRB
)	
LIBERTY NATIONAL LIFE)	
INSURANCE COMPANY,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO TRANSFER

Plaintiff is a female who resides in Selma (Dallas County),¹ Alabama. Plaintiff has filed this lawsuit alleging discrimination on the basis of sex during her employment with defendant Liberty National Life Insurance Company (“Liberty National”) at defendant’s Selma, Alabama location. Defendant Liberty National moves the Court to transfer this case to the United States District Court for the Southern District of Alabama, Northern Division, pursuant to 28 U.S.C. § 1404(a). In support of this motion, defendant provides the following:

¹ Dallas County is located in the Northern Division of the Southern District of Alabama.

FACTS

1. Plaintiff Angela Simmons is a resident of Selma (Dallas County), Alabama and a current employee of defendant Liberty National at its Selma (Dallas County), Alabama location (Complaint, ¶ 5, 8).

2. According to the Complaint, the alleged actions giving rise to this case all occurred in Selma (Dallas County), Alabama (Complaint, ¶ 4).

3. Dallas County is located in the Northern Division of the United States District for the Southern District of Alabama. 28 U.S.C. § 81(c)(1).

ARGUMENT

The allegations contained in plaintiff's Complaint make clear that venue for this action should be in the United States District Court for the Southern District of Alabama, Northern Division. All allegations of unlawful employment practices contained in plaintiff's Complaint pertain to actions that allegedly occurred at defendant's Selma, Alabama office located in Dallas County, Alabama.

28 U.S.C. § 1404(a) provides that "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought." 28 U.S.C. § 1404(b) further allows the Court to transfer the case from the division in which the case is pending to any other division in the same district. See e.g. Haley v. Potter, 2006 WL 2136006, *1 (M.D. Ala. July 28, 2006)(holding that transfer to Northern

District of Alabama in Title VII case proper because lawsuit arose from activity which occurred in Northern District of Alabama); Lewis v. Madison County Bd. of Ed., 678 F. Supp. 1550, 1551-52 (M.D. Ala. 1988) (holding that transfer to the Northern District of Alabama under § 1404 was proper because all alleged acts, records and witnesses were located in the Northern District of Alabama).

Under the Title VII venue provisions, this action could have been brought in the Southern District of Alabama, Northern Division. Considering that plaintiff resides in the Southern District, Northern Division, and that all witnesses will be located in close proximity to the United States Federal Courthouse in Selma, Alabama, which would require less travel if a trial were required, it is clear the more convenient venue for all parties involved is the United States District Court for the Southern District of Alabama, Northern Division.

Even though under 42 U.S.C. § 2000e-5(f)(3), venue may be appropriate in this judicial district and division, the Court should transfer a case such as this to the judicial district and division where the parties and witnesses are located. See 28 U.S.C. § 1404(a); Ross v. Buckeye Cellulose, 980 F.2d 648 (11th Cir. 1993)(holding district court properly transferred employment discrimination case to venue where plant and probable witnesses were located). Therefore, defendant respectfully requests the Court to enter an order transferring this case to the United States District Court for the Southern District of Alabama, Northern Division.

Respectfully submitted,

/s/Thomas A. Davis

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following:

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/s/Thomas A. Davis

Thomas A. Davis